

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES SULLIVAN,

Petitioner,

DECISION AND ORDER

05-CV-6060L

v.

GLENN S. GOORD, Commissioner of
N.Y.S. Department of Corrections,

Respondent.

Petitioner, Charles Sullivan, *pro se*, seeks a writ of habeas corpus, pursuant to 28 U.S.C. § 2254 concerning his conviction in Erie County Court. This Court referred the petition to United States Magistrate Judge Victor E. Bianchini, pursuant to 28 U.S.C. § 636(b). Magistrate Judge Bianchini reviewed the matter and issued a thorough and detailed, 27-page Report and Recommendation recommending that the petition be denied in all respects.

Petitioner was advised of his right to file objections to that Report, but none have been filed.

Although this Court could simply adopt the recommendations of Magistrate Judge Bianchini since no objections were filed, I have, nevertheless, reviewed petitioner's claims, the pleadings and file in this case, as well as Magistrate Judge Bianchini's Report and Recommendation.

Petitioner has raised several issues, including ineffective assistance of appellate counsel, violations of the Fourth Amendment, and insufficiency of evidence before the grand jury, among others. Magistrate Judge Bianchini found that several issues had been forfeited by dint of the

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petitioner's guilty plea and concerning the claims of ineffective assistance of appellate counsel, they were without merit.

Magistrate Judge Bianchini carefully reviewed all of the claims raised by petitioner, discussing both the facts and the law in great detail. I have carefully reviewed the Report and Recommendation, and I find no reason to modify any part of it. Therefore, I accept and adopt in full Magistrate Judge Bianchini's Report and Recommendation and specifically adopt his recommendation that the petition should be dismissed.

CONCLUSION

I accept and adopt the Report and Recommendation of United States Magistrate Judge Victor E. Bianchini (Dkt. #11) in all respects.

The petition for habeas corpus relief filed by petitioner Charles Sullivan is in all respects dismissed.

I also deny a Certificate of Appealability as to any of petitioner's claims because he has failed to make a substantial showing of a denial of a constitutional right.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 19, 2007.